



Grand Canyon University Policies and Standards

Policy Name:	Gender-Based and Sexual Misconduct Policy and Grievance Procedures	Page:	1 of 17
Department:	Academic Affairs	Policy Number:	001
Applies to:	Faculty, Staff, and Students	Effective Date	April 22, 2014

PURPOSE:

Grand Canyon University prohibits discrimination, including any form of harassment, by employees, faculty, students, contractors, or agents of the University and by anyone participating in a University sponsored activity against an individual based on race, color, national origin, gender, disability, or any other classification protected by applicable law in its programs or activities. Title IX regulations require non-discrimination on the basis of sex or gender.

STATEMENT OF OBJECTIVE:

This policy prohibits any gender-based discrimination and/or harassment by, of, and between members of the Grand Canyon University community. For example, between employees, between an instructor and a student, between two students, or between a student and campus guest. This policy applies in all University programs and activities, including but not limited to, athletics, instruction, grading, housing, and University employment.

DEFINITIONS:

For the purposes of this policy, prohibited sex discrimination includes sexual harassment, sexual misconduct, including sexual assault, and other misconduct offenses when sex or gender is the foundation. Full definitions are provided in the following sections.

Proceeding - Any hearing where a determination is made on a complaint, including whether there is a finding and/or sanctions. This includes informal resolution, Administrative adjudication, and Title IX Hearing Board adjudication.

Result - Regulatory requirements stipulate that both parties be notified, in writing, of the outcome of the complaint and any appeal. This includes information about the sanction imposed upon the Respondent when the sanction directly relates to the claimant. Compliance with these provisions does not constitute a violation of Section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

POLICY:

Off-Campus Conduct and Jurisdiction

Conduct that occurs off campus can be the subject of a complaint or report and will be evaluated to determine whether it violates this policy, e.g., if off-campus harassment has continuing effects that create a hostile environment on campus. Allegations of off-campus sexual misconduct are of particular concern and should be brought to the University's attention.

The University is able to respond to alleged incidents of sex and gender-based misconduct:

- that occurred on campus,
- that were part of official University programs or activities (regardless of location), or



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- where the Claimant and Respondent are students, member of the faculty, staff, administration or third-party vendor of the University.

If the offender is unknown or is not a member of the GCU community, the Title IX Coordinator (or designee) will assist individuals in identifying appropriate campus resources, including assistance in contacting local authorities if the individual would like to file a criminal report. In addition, GCU may take other actions to protect the individual and the campus community.

Retaliation Prohibited

The University prohibits retaliation against anyone who complains of, or is involved in the filing, investigation, or resolution of a gender-based harassment or discrimination claim. The University also will not retaliate against anyone who files a complaint, or otherwise participates in an investigation, proceeding or hearing conducted by an outside agency. Employees or students who believe they have witnessed or experienced retaliation in violation of this policy should report the retaliation pursuant to the Complaint Procedure outlined in this policy.

Mandatory Employee Reporting

To enable the University to respond effectively and to stop instances of sexual harassment and sexual misconduct at the University proactively, all University employees must promptly (normally within 24 hours) report information they have about alleged or possible sexual harassment and sexual misconduct to the Title IX Coordinator or Deputy Title IX Coordinator. Employees who are legally required to keep confidentiality, such as licensed health-care professionals and medical staff, are exempt from these reporting requirements.

Policy

Members of the Grand Canyon University community, guests and visitors have the right to be free from all forms of gender and sex-based discrimination, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. When an allegation of misconduct is brought to an appropriate administration's attention, and a Respondent is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are never repeated. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

Harassing conduct may take various forms, including, name-calling, graphic verbal or written statements (including those communicated through cell phones, social media, or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to be based on intent to harm, be directed at a specific target, or involve repeated incidents. Sex-based harassment includes sexual harassment, which is further defined below.



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Sexual Misconduct Offenses

Sexual misconduct offenses include, but are not limited to:

1. Sexual Harassment
2. Non-Consensual Sexual Contact (or attempts to commit same)
3. Non-Consensual Sexual Intercourse (or attempts to commit same)
4. Sexual Exploitation

1. Sexual Harassment

Sexual Harassment is unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it:

- unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the university's educational program and/or activities, and is
- based on power differentials (*quid pro quo*), the creation of a hostile environment, or retaliation.

Quid pro quo sexual harassment exists when there are:

1. unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
2. submission to or rejection of such conduct results in adverse educational or employment action

A *Hostile Environment* based on sex exists when harassment has the purpose or effect of unreasonably interfering with an individual's employment or academic performance.

A hostile environment can be created by anyone involved in a university program or activity (e.g., administrators, faculty members, students, and even campus guests). Mere offensiveness is not enough to create a hostile environment. Repeated incidents increase the likelihood that harassment has created a hostile environment. A serious incident, such as a sexual assault, even if isolated, can be sufficient.

In determining whether harassment creates a hostile environment, the harassment will be considered not only from the perspective of the individual who feels harassed, but also from the perspective of a reasonable person in a similar situation. Also, the following factors will be considered:

- The degree to which the conduct affected one or more students' education or individual's employment;
- The nature, scope, frequency, duration, and location of the incident or incidents;
- The identity, number, and relationships of the persons involved;
- The perspective of a "reasonable person" in the same situation as the person harassed; and
- The nature of higher education.



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Retaliatory harassment is any adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct.

2. Non-Consensual Sexual Contact

Non-Consensual Sexual Contact is:

- any intentional sexual touching,
- however slight,
- with any object,
- by a man or a woman upon a man or a woman,
- that is without consent and/or by force.

Sexual Contact includes:

Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

3. Non-Consensual Sexual Intercourse

Non-Consensual Sexual Intercourse is:

- any sexual intercourse
- however slight,
- with any object,
- by a man or woman upon a man or a woman,
- that is without consent and/or by force.

Intercourse includes:

Vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Non-consensual sexual intercourse includes sexual assault, defined by ASRS 13-1406, as intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.

4. Sexual Exploitation

Occurs when someone takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another student;



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- Non-consensual video or audio-taping of sexual activity;
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- Engaging in voyeurism;
- Knowingly transmitting an SDI, STD or HIV to another student;
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation

A. *Consent* is an understandable exchange of affirmative words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

- Silence does not necessarily constitute consent.
- In the absence of mutually understandable words or actions, it is the responsibility of the initiator, or the person who wants to engage in the specific sexual activity, to make sure that he/she has the consent from his/her partner(s).
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- Effective consent may not be given by minors less than 18 years old.

B. *Force* is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent ("Have sex with me or I'll hit you. Okay, don't hit me, I'll do what you want.").

- Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- There is no requirement that a party resists the sexual advance or request, but resistance is a clear demonstration of non-consent.

C. *Incapacitation* is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g. to understand the "who, what, when, where, why or how" of their sexual interaction).

- This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, alcohol or drug consumption, or from the taking of rape drugs.
 - Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy.



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- Sexual activity with someone who one should know to be -- or based on the circumstances should reasonably have known to be -- mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy.
- Use of alcohol or other drugs will never function as a defense for any behavior that violates this policy.

Other Misconduct Offenses When Based on Sex or Gender

Allegations of the following behaviors, regardless of whether they are based on discrimination, shall be addressed and considered in accordance with this policy and Discrimination Grievance Procedures:

- Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the 1st Amendment).
- Domestic and Dating Violence, defined in ASRS 13-3601, as any act that is a dangerous crime if any of the following applies:
 1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.
 2. The victim and the defendant have a child in common.
 3. The victim or the defendant is pregnant by the other party.
 4. The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.
 5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.
 6. The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship:
 - (a) The type of relationship.
 - (b) The length of the relationship.
 - (c) The frequency of the interaction between the victim and the defendant.
 - (d) If the relationship has terminated, the length of time since the termination.
- Stalking, defined in ASRS 13-2923, as a course of conduct that is intentionally and knowingly directed toward another person, if that conduct either:
 1. Would cause a reasonable person to fear for the person's safety or the safety of that person's immediate family member and that person in fact fears for the person's safety or the safety of that person's immediate family member.



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2. Would cause a reasonable person to fear death of that person or that person's immediate family member and that person in fact fears death of that person or that person's immediate family member

This behavior includes visual or physical proximity to a specific person, and directing express or implied verbal or written threats to a specific person on two or more occasions.

Sanction Statement

Consequences for violating this policy will depend upon the facts and circumstances of each particular situation. In determining the severity of sanctions or corrective actions, factors such as the frequency and severity of the offense and any history of past discriminatory, harassing or retaliatory conduct are relevant. The sanctions include, but are not limited to:

- Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous code of conduct violations.
- Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Intercourse will likely face a recommended sanction of suspension or expulsion.
- Any student found responsible for violating the policy on sexual harassment, sexual exploitation, or other misconduct or harassment offenses will likely receive a recommended sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous code of conduct violations.

For employees, any finding that a policy violation occurred may be cause for disciplinary action starting with an initial Corrective Action Plan, up to and including termination.

Amnesty for Drug or Alcohol Possession and Consumption Violations

The University strongly encourages students to report instances of sex-based discrimination, sexual harassment, and sexual misconduct involving students. Therefore, students who provide information about sex-based discrimination, sexual harassment, sexual misconduct, dating violence, domestic violence, or stalking involving students will not be disciplined by the University for any violation of the University's drug or alcohol possession or consumption policies in which they might have engaged in connection with the reported incident.

Consensual Relationships

Sexual behavior that is welcome or consensual does not constitute sexual harassment under the law. However, romantic relationships in situations where one individual has greater power or authority over the other can create a perception of favoritism or other problems in the workplace. Thus, if a consensual relationship occurs, the University may take steps to discontinue any situation of authority and take other appropriate action to the extent consistent with federal, state or local law.



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At the University, the role of the teacher or athletic coach is multifaceted, including serving as a counselor, mentor and advisor; the teacher's or coach's influence and authority extend far beyond the classroom and athletic field. Consequently, the University believes that a sexual or romantic relationship between a teacher and a student or between a coach and a student, even where consensual, is inconsistent with the proper role of the teacher or coach, and should be avoided. The University, therefore, prohibits such relationships.

Grievance Procedures

The University will take prompt and appropriate action to: (1) thoroughly, promptly, and impartially investigate complaints; and (2) prevent, correct and, if necessary, discipline individuals who engage in behavior that violates this policy. The following procedures should be followed whenever a person believes that they have witnessed or been the subject of discrimination, harassment or retaliation on the basis of sex or gender. These procedures also apply to students and employees in our online environment.

If an individual feels they have been harassed in any way, it is generally best to tell the offending person that you find such behavior offensive, that such behavior is against University policy, and that you want him or her to immediately stop. However, if an individual is uncomfortable taking this action, or if the conduct does not stop after the offending person has been warned, the student should immediately contact the Title IX or Deputy Title IX Coordinator. If the Claimant is an employee, he/she should report the conduct to a supervisor.

Students and employees should report the offending incident or conduct promptly. Timely reporting is vital to the University's ability to investigate complaints and take appropriate action. Prompt reporting also discourages further misconduct. Students and employees are encouraged to report offensive conduct even if similar conduct was not reported in the past.

The complaint should specify:

- The name of the individual(s) against whom the complaint is made
- The nature of the alleged offense
- The specifics of the offending incident(s) with precise details (what happened, who was present, when, where, any reasons why they believe the action was taken)
- The date and signature of the person making the complaint

A person wishing to file a complaint should submit a written statement to the Title IX Coordinator or one of the Title IX Deputy Coordinators. It is recommended that as much information as possible be provided regarding the offending incident or conduct.



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Title IX Coordinator

Jennifer Lech, Ph.D.
Senior Vice President of Academic Affairs and University Registrar
3300 W. Camelback Road
Phoenix, AZ 85017
602-639-5900
TitleIX@gcu.edu

Duties and Responsibilities: Monitoring and oversight of overall implementation of Title IX compliance at the University, including coordination of training, education, communications, and administration of grievance procedures for faculty, staff, students, and other members of the University community.

Deputy Title IX Coordinators

For students:

Tim Griffin
Dean of Students
3300 W. Camelback Road
Phoenix, AZ 85017
602-639-6647
Tim.Griffin@gcu.edu

For employees or vendors:

Patti Stoner
Director of Human Resources
3300 W. Camelback Road
Phoenix, AZ 85017
602-639-6744
Patti.Stoner@gcu.edu

If the alleged harasser participates in athletics:

Jamie Boggs
Deputy Director of Athletics
Senior Women's Administrator
3300 W. Camelback Road
Phoenix, AZ 85017
602-639-6611
Jamie.Boggs@gcu.edu



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Confidentiality of Complaints and Reports

GCU will inform and obtain consent from the Claimant before beginning an investigation. All parties involved in the investigation process, including witnesses, have privacy rights and information will be shared only as necessary:

- To the Claimant, Respondent, or witnesses, as necessary to give fair notice of the allegations and to conduct the investigation. This includes the complaint, investigation report and findings including sanctions, and any decision resulting from an appeal;
- To other University officials who have a need to know in performing their official University business;
- To law enforcement consistent with state and federal law and University Policy;
- To government agencies who review the University's compliance with federal law;
- As necessary to respond to litigation, formal investigation, or to respond to lawfully issued subpoenas.

Claimant Requests Confidentiality or No Investigation

If a Claimant requests confidentiality or asks that the complaint not be pursued, GCU will take reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality, but GCU's ability to respond may be limited. The Title IX Coordinator will evaluate the request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students, faculty, and staff. GCU reserves the right to initiate a formal or informal investigation, and will inform Claimants if confidentiality cannot be ensured.

Interim Measures

The University reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect students' rights and personal safety. Such measures include, but are not limited to, the issuance of No Contact Orders, modification of living arrangements, class or employment schedules, or interim suspension from campus pending a hearing. Failure to adhere to the parameters of any interim measure will result in a Code of Conduct violation for failure to comply with a reasonable directive, and failure to cooperate with officials in a University investigation.

Law Enforcement Investigations

Because sexual misconduct and relationship violence may constitute both a violation of University policy and criminal activity, the University encourages students to report alleged such acts promptly to local law enforcement agencies, and will assist them in doing so if requested. Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. Because the standards for finding a violation of criminal law are different from the standards for finding a violation of this policy, criminal investigations or reports are not determinative of whether a sexual misconduct or relationship violence act has occurred as it relates to this policy. The filing of a complaint of a sexual assault under this policy is independent of any criminal investigation or proceeding.



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While the University's investigation may be delayed temporarily while the criminal Investigators are gathering evidence, the University will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and will issue immediate interim measures as necessary.

If police have not already been notified, the University may be obligated to contact law enforcement if it has reasonable belief that a crime has been committed. Claimants will be notified if such a report is necessary. This does not mean charges will be automatically filed or that a Claimant must speak with the police, but the institution is legally required to notify law enforcement authorities.

Preserving Evidence

So that a claimant may have the ability to seek criminal charges through the legal process, it is important that evidence of sexual assault be preserved because it may be needed for prosecuting the criminal case. Do not shower, bathe, wash, douche, change clothing, comb hair, drink or eat, or do anything that would alter a physical exam. Wait until after one has been completed at a hospital. Also, do not launder clothing and/or bedding or throw away anything that can be used as evidence. GCU Public Safety or local law enforcement can assist arranging the appropriate medical examinations.

It is also important to preserve other types of corroboratory documentary evidence. Such evidence can include text messages, Facebook or Instagram posts, photos, voicemails, or emails.

Preliminary Investigation

If the University receives a complaint or otherwise becomes aware of conduct that may constitute sexual harassment or sexual misconduct, a preliminary investigation will be conducted to assess whether the alleged facts, as immediately known, could rise to the level of prohibited conduct, and whether informal or formal resolution is appropriate. A preliminary investigation may include an initial meeting with the Claimant to:

- Review details of the allegation
- Provide a copy of this policy
- Explain avenues for resolution
- Explain the steps involved in an investigation
- Discuss confidentiality standards and concerns
- Determine whether the Claimant wishes to pursue a resolution through the University
- Referral to law enforcement, counseling, medical, academic, or other resources, as appropriate.
- Discuss interim measures that can be provided during the investigation and resolution process.



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If the Title IX Coordinator, or designee, determines that a full investigation is not warranted, the Claimant will be provided written notification of the decision and any remedial measures that the University plans to implement in order to ensure the concerns were reviewed and addressed. A determination that a full investigation under this policy is not warranted does not preclude the University from taking appropriate steps to eliminate, deter, remedy, or address prohibited or otherwise disruptive conduct.

Resolution of Complaints

A Title IX Investigation will normally be completed within 60 calendar days after the University has notice of an allegation of prohibited conduct. The Title IX Coordinator or designee may extend this timeframe for good cause, including but not limited to, law enforcement involvement, number of witnesses to be interviewed, and University breaks. The University will take all reasonable efforts to apprise the parties of the progress of the investigation. Anyone with a perceived conflict of interest may not be a part of the fact finding or decision making process.

Informal Resolution

Some complaints may allow for an informal resolution. Informal resolution will not be used to resolve sexual misconduct complaints. If informal resolution is appropriate, a resolution of the conflict that is agreeable to all parties will be pursued. Under the informal process, GCU is required to only conduct such fact-finding as is useful to resolve the complaint, and to protect the interests of the parties, the University, and the community. If a satisfactory resolution is reached, the matter will be considered closed, and both parties will be provided written notification of the outcome. A formal investigation can be requested at any time by the parties, or as initiated by GCU.

Formal Investigation and Resolution

If investigation is to commence, the Respondent will receive a Notice of Investigation as notification that a report has been filed, and will have the opportunity to review the written complaint or otherwise be informed of the substance of the allegation. If the Respondent cannot be located, attempts at notification will be documented and additional University actions may take place to ensure a documented response to the notification.

A trained Investigator will interview the Claimant, Respondent, and, as applicable, any witnesses. The Claimant and Respondent may each have an advisor of their choice present at all interviews in which they participate. The Investigator will also gather any pertinent evidentiary materials (this may include, but is not limited to, emails, written documents, or photographs). During the investigation process, both the Claimant and the Respondent will have opportunity to provide the Investigator with evidence and/or specify witness information. The Investigator will then prepare a report detailing the relevant content of the interviews and the documentation materials gathered, which is submitted to the Title IX Coordinator for review. Directly following the submission of the investigative report, the Title IX Coordinator will



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determine sanctions if a policy violation has been found, or determine that no policy violation has occurred.

For all levels of adjudication, the rules of evidence, process and procedure used in civil or criminal court do not apply and will be based on the preponderance of the evidence standard (i.e. it is more likely than not that a policy violation occurred).

Adjudication Where the Respondent is a Student

Administrative Adjudication – No Policy Violation

If no violation is found to have occurred, such outcome will be communicated in writing to the Claimant and Respondent along with the opportunity to review the investigative report. GCU will continue to assist the Claimant with resources as applicable.

Administrative Adjudication – Policy Violation Established

If a violation is found to have occurred, the Respondent and Claimant will each individually have the opportunity to review the investigative report and the documentation materials from the investigation in the presence of the Title IX Coordinator, Investigator, or other designee. Following this review, the Respondent will be given the opportunity to accept the findings and sanctions as issued by the Title IX Coordinator, or designee. If the Respondent accepts, the decision and sanctions will be communicated to both parties in writing, and the decision is not appealable by the Respondent. If the Respondent rejects the findings and sanctions, the case will be forwarded to the Title IX Hearing Board. The claimant will be notified of the submission to the Title IX Hearing Board.

Title IX Hearing Board Adjudication – Policy Violation Established

If the Respondent rejects the Title IX Coordinator findings and sanctions, the issue is forwarded to the University's Title IX Hearing Board for a formal hearing, which will be convened within 7 days of the Respondent's rejection of the findings. The Claimant and Respondent will be notified of the date, time, and location of the hearing. One member of the Board will be designated as the Chair and responsible for administering the hearing and recording the decision. The Board members will be given timely and equal access to the information that will be used at the hearing.

A Title IX Hearing Board meeting regarding a violation under this policy will consist of the following components:

- Introduction of members and procedural rules
 - Claimant, Respondent, and Advisors cannot interact and are not permitted to speak to or question one another.
 - Claimant, Respondent, and Advisors cannot interrupt the proceedings at any time.



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- Claimant, Respondent, and Advisors cannot correct the Investigator during the presentation of the case.
- Claimant, Respondent, and Advisors are to address the Board only.
- Presentation of the information and investigative report by the Investigator
- Questions asked by Board (directed toward Investigator, or the parties as necessary)
- Closed deliberation, as determined by a majority vote, by Title IX Hearing Board.

The Claimant has the option to not be in the same room with the Respondent during the hearing, and the University will accommodate and facilitate such requests to the extent practicable. It is not required that either party attend the scheduled hearing; however, the hearing will proceed in their absence and a determination will be made by the Title IX Hearing Board.

Where the preponderance of the evidence supports the findings against the accused individual, the Title IX Hearing Board will institute penalties for the infractions in accordance with the sanction statement listed above. Notification of the decision will be provided in writing to both parties within three (3) business days after the hearing has been completed.

Adjudication Where the Respondent is Faculty or Staff

Due to the intersection of employment law and Title IX, there are only two potential outcomes when a finding involves a faculty or staff:

Administrative Adjudication – No Policy Violation

If no violation is found to have occurred, such outcome will be communicated in writing to the Claimant and Respondent along with the opportunity to review the investigative report. GCU will continue to assist the Claimant with resources as applicable.

Administrative Adjudication – Policy Violation Established

If a violation is found to have occurred, the Respondent and Claimant will each individually have the opportunity to review the investigative report and the documentation materials from the investigation in the presence of the Title IX Coordinator, Investigator, or other designee.

Following this review, the Respondent will be given the opportunity to accept the findings and sanctions as issued by the Title IX Coordinator, or designee. If the Respondent accepts, the decision and sanctions will be communicated to both parties in writing, and the decision is not appealable by the Respondent. If the Respondent rejects the findings and sanctions, the case will be forwarded to the Deputy Title IX Coordinator for Human Resources. The claimant will be notified of the submission to the Deputy Title IX Coordinator for Human Resources.

Appeal Process for Students

Students will have three (3) business days to appeal the decision made during the hearing. All appeals must be made in writing, providing additional documentation for consideration. Appeals



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are not intended to be full re-hearings of the complaint, and as such, appeals will only be accepted based on one of the following factors:

- Procedural error or omission
- New evidence that was unknown or not available during the original hearing
- Substantially disproportionate sanctions

Disagreement with the findings or sanctions is not, by itself, ground for an appeal. The request for an appeal, including the grounds upon which the request is based and the documentation thereof should be submitted in writing to the Title IX Coordinator:

Jennifer Lech, Ph.D.
Senior Vice President of Academic Affairs and University Registrar
3300 W. Camelback Road
Phoenix, AZ 85017
602-639-5900
TitleIX@gcu.edu

Both parties will be notified in writing if an appeal is submitted. The appeal will be submitted for an initial review to the Title IX Appeal Committee, who will be given timely and equal access to the compliant, investigative report, appeal, and any other relevant documentation. One member of the Committee will be designated as the Chair and responsible for administering the hearing and recording the decision. The Title IX Appeal Committee will review the appeal and new documentation to determine if the appeal meets the limited grounds described above. If the Title IX Appeal Committee determines that grounds are met, it will review the appeal in light of the new information. Appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. A decision will be issued within 15 business days of the appeal being accepted. Any sanctions will remain in place during the appeal process. The Title IX Appeal Committee's decision to deny an appeal request, and appeal decision, is considered the final decision of the University.

Appeal Process Where the Respondent is Faculty or Staff

A Respondent who is faculty or staff will have three (3) business days to appeal the decision made during the hearing. All appeals must be made in writing, providing additional documentation for consideration. Appeals are not intended to be full re-hearings of the complaint, and as such, appeals will only be accepted based on one of the following factors:

- Procedural error or omission
- New evidence that was unknown or not available during the original hearing
- Substantially disproportionate sanctions

Disagreement with the findings or sanctions is not, by itself, ground for an appeal. The request for an appeal, including the grounds upon which the request is based and the documentation thereof should be submitted in writing to the Title IX Coordinator:



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Jennifer Lech, Ph.D.
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Appeals for Respondents who are faculty or staff will be processed through the Open Door Policy, as outlined in the Employee Handbook, and reviewed by the Deputy Title IX Coordinator for Human Resources. Please refer to the Employee Handbook for information on the Open Door Policy. Both parties will be notified in writing if an appeal is submitted. Any sanctions will remain in place during the appeal process.

The Role of Advisors/Support Persons

All parties are entitled to an advisor of their choosing to guide and accompany them throughout the campus resolution process. The advisor may be a friend, mentor, family member, attorney or any other supporter.

The parties are entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake, interviews, and hearings. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The University cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the university is not obligated to provide one.

All advisors are subject to the same rules, whether they are attorneys or not. Advisors may not address campus officials in a meeting, interview or hearing unless invited to. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors are expected to refrain from interference with the University investigation and resolution. Any advisor who steps out of their role in any meeting under the campus resolution process will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator or a Deputy will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

The University expects that the parties will wish to share documentation related to the allegations with their advisors. The University provides a consent form that authorizes such



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sharing. The parties must complete this form before the University is able to share records with an advisor. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with 3rd parties, disclosed publicly, or used for purposes not explicitly authorized by the University. The University will restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

The University expects an advisor to adjust their schedule to allow them to attend University meetings when scheduled. The University does not typically change scheduled meetings to accommodate an advisor's inability to attend. The University will, however make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available. A party may elect to change advisors during the process, and is not locked into using the same advisor throughout.

False Reports

Any member of the university community who knowingly files a false complaint of sexual harassment, or who knowingly provides false information to or intentionally misleads university officials who are investigating or reviewing a complaint of alleged sexual harassment, is subject to disciplinary action up to and including discharge for employees and dismissal for students.

ENFORCEMENT:

Any question of interpretation or application of this policy will be referred to the Title IX Coordinator, or designee, for final determination.

Any student, faculty, or staff found to have violated this policy may be subject to disciplinary action, up to and including expulsion (for students) or termination of employment (for faculty or staff).

The University may, at any time, in its sole discretion, change, modify or vary from anything stated in this policy, with or without notice. Nothing contained in this or any other policy, procedure or work rule of the University shall affect the "at will" status of any employee.

Revision History		Approved By
April 22, 2014	Original Version	Hank Radda
February 5, 2015	Revision 1	Hank Radda